

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ELIJAH WELLS, by and through his mother
SUZANNE GLOVER,

Plaintiff,

v.

CREIGHTON PREPARATORY SCHOOL, in
its official capacity,

STERLING BROWN; JAMES BOPP in their
individual capacities.

Defendants.

Case No. 8:21-cv-322

MOTION TO DISMISS

**Fed. R. Civ. P. 12(b)(6)
and**

Fed. R. Civ. P. 12(b)(1)

COME NOW Defendants, Creighton Preparatory School, Sterling Brown, and James Bopp, by and through counsel, and hereby request this Court to enter an Order dismissing Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6) and Fed. R. Civ. P. 12(b)(1). In support of their Motion, Defendants show to the Court as follows:

1. On August 24, 2021, Plaintiff filed his Complaint with this Court.
2. Plaintiff's Complaint alleges that all three Defendants are liable to Plaintiff under 42 U.S.C. § 1983. Plaintiff's Complaint also alleges that Defendant Creighton Preparatory School breached a contract between Plaintiff and Defendant Creighton Preparatory School.
3. This Court should dismiss Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6).
4. This Court should also dismiss Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(1).

5. Defendants have filed Defendants' Brief in Support of Motion to Dismiss simultaneously with this filing.

WHEREFORE, Defendants Creighton Preparatory School, Sterling Brown, and James Bopp request this Court to enter an Order dismissing Plaintiff's Complaint against them, for the costs of this action, and for such other and further relief as this Court may allow.

Dated this 15th day of November, 2021.

CREIGHTON PREPARATORY SCHOOL, in its
official capacity, STERLING BROWN and JAMES
BOPP in their individual capacities, Defendants

By: /s/Patrick M. Flood

Patrick M. Flood, #19042

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Attorneys for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of November, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification to the following:

Keith L. Altman
LAW OFFICE OF KEITH ALTMAN
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Farmington Hills, MI 48334

/s/ Patrick M. Flood